In the Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-1046

FREDERIKA BLANKNER, PETITIONER

v.

CITY OF CHICAGO, CARLA A. HILLS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE FEDERAL RESPONDENTS IN OPPOSITION

The petition for a writ of certiorari in the instant case was filed out of time. The order of the court of appeals denying petitioner's petition for rehearing was entered on November 21, 1974. The time for filing a petition for a writ of certiorari was not extended and, accordingly, the 90-day period provided by 28 U.S.C. 2101(c) for petitioning in civil cases expired on February 19, 1975. The petition was filed on February 20, 1974.

The time limit in 28 U.S.C. 2101(c) is jurisdictional. *Department of Banking* v. *Pink*, 317 U.S. 264. Accordingly, the petition should be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

APRIL 1975.

DOJ-1975-04